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09/881,410	06/14/2001	Byron Y. Yafuso	PA235RE	8490
23696	7590	09/02/2010	EXAMINER	
QUALCOMM INCORPORATED 5775 MOREHOUSE DR. SAN DIEGO, CA 92121			NGUYEN, BRIAN D	
ART UNIT	PAPER NUMBER			
	2472			
NOTIFICATION DATE	DELIVERY MODE			
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

us-docketing@qualcomm.com

<b>Office Action Summary</b>	<b>Application No.</b> 09/881,410	<b>Applicant(s)</b> YAFUSO ET AL.
	<b>Examiner</b> BRIAN D. NGUYEN	<b>Art Unit</b> 2472

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(o).

#### Status

- 1) Responsive to communication(s) filed on 10 June 2010.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-22,40,43,44,51-59 and 77-86 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 1-13 and 16-22 is/are allowed.
- 6) Claim(s) 40,43,44,51-59 and 77-86 is/are rejected.
- 7) Claim(s) 14 and 15 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 16 November 2009 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Objections***

1. Claims 14-15 are objected to because of the following informalities:  
Claim 14, line 2, it is suggested to insert “user” before “telephone sets”.  
Claim 15, line 3, it is suggested to insert “user” before “telephone sets”.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 44, 51-53, and 59 are rejected under 35 U.S.C. 102(e) as being anticipated by Kay (5,475,689).

Regarding claim 44, Kay discloses a wireless communication system comprising a network call manager for facilitating communications simultaneously among a plurality of mobile devices of a communication group of wireless devices (see table 1 in col. 8), the communications group comprising a push to talk (PTT) network (figure 1), the network call manager comprising: means for receiving a point-to-point transmission comprising a plurality of voice data packets and a point-to-multipoint transmission comprising a plurality of network data packets (col. 2, line 56-59 and CAP, SIM in figure 2); means for directing point-to-point transmissions (CAP, SIM, and STM in figure 2); means for receiving a request from any member

of the communications group, the request for initiating a point-to-multipoint transmission to the communications group (col. 7, lines 3-16 and col. 8, table 1); and means for directing (CAP, SIM, STM) the point-to-multipoint data packets exclusively from a current active member (MS 7 in col. 8, line 63-col. 9, line 7) of the communications group to other members of the communications group in response to the request (col. 8, lines 40-67).

Regarding claim 51, Kay discloses a network call manager (SAM, SIM, STM, and gateway 40) for enabling push-to-talk (PTT) communications to a communication group of wireless devices (figure 1), comprising: an interface to a public switched telephone network for receiving interleaved vocoder frames and PTT frames from a first member user of the communication group, wherein the first member user can be any member of the communication group (see BSC connected to PSTN in figure 1 and STM connected to MSC in figure 2. See mobile dispatch station in col. 8, line 35-col. 9, line 13 and non-mobile dispatch station in col. 9, lines 24-42 and col. 3, lines 44-49); a switch for providing the received vocoder frames to at least a second member user and a third member user (see members in table 1); and a PTT controller for configuring the switch based on a PTT request contained in one or more of the PTT frames (col. 8, line 35-col. 9, line 13 and col. 9, lines 25-42).

Regarding claim 52, Kay discloses the PTT controller is further for establishing individual forward links with the second member user and the third member user, respectively, through the interface (see point-to-point in col. 2, line 57).

Regarding claim 53, Kay discloses a network controller for paging the second member user and the third member user after the PTT request is received (see dispatch setup in figure 5).

Regarding claim 59, Kay discloses authenticating a member user to the private communication network (col. 6, lines 59-60)

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kay in view of Kent (5,699,353).

Regarding claim 40, Kay discloses a network call manager, comprising: a network controller (CAP, SIM, and STM in figure 2) operative to cause data packets transmitted within the wireless communication system to be processed and routed, the network controller storing therein at least one list of members of at least one push-to-talk (PTT) private network (see table 1 in col. 8, lines 40-67); and a PTT controller operative to cause PTT requests and private network data packets to be processed and routed in accordance with the at least one list (col. 7, lines 3-55). Kay does not specifically disclose a access number to allow a calling member to access an private network. However, using an access number to access a network is well known in the art. Kent discloses using the access number (see access number and group identification number in col. 3, lines 7-21). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use the access number as taught by Kent in the system of Kay in order to access the network.

6. Claim 43 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kay in view of Kent as applied to claim 40 above, and further in view of Grube et al (5,387,905).

Regarding claim 43, Kay does not specifically disclose push-to-talk communications are processed according to an associated priority of each push-to-talk communication. However, Grube discloses this feature (see col. 4, lines 44-61). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to process a call based on the priority as taught by Grube in the system of Kay in order to improve quality of service.

7. Claims 58, 77-79, 81, 84, and 86 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kay in view of Grube et al (5,387,905).

Regarding claim 58, Kay does not specifically disclose a queue for storing a second PTT request from the second member user, the second member user being granted a speaking privilege after the speaking privilege is no longer held by the first member user. However, Grube discloses a queue for storing a second request (see col. 5, lines 56-58). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to queue the request as taught by Grube in the system of Kay so that the request can be process when resource is available.

Regarding claim 77, Kay discloses a method for enabling push-to-talk (PTT) communications between member devices of a PTT group communicating through a public switched telephone network, the method comprising operations of: receiving at least one PTT frame (dispatch setup) and vocoder frames (PTT/voice frame) from a member of a PTT communication network (see table 1 in col. 8) through a public switched telephone network (see figure 1 for network configuration and figure 5 for processing a PTT request and col. 3, lines 44-

49 where the dispatch initiator operate from a station connected in PSTN)); granting a speaker privilege to the member in response to a PTT request contained within the at least one PTT frame (see setup and ASGN in figures 4 and 5); establishing at least one forward communication link with the at least two other members of the PTT communication network (see point-to-multipoint in col. 2, line 57); and providing the at least one PTT frame and vocoder frames from the member to the at least two other members of the PTT communication network through the at least one forward communication link (col. 7, lines 54-55). Kay does not specifically disclose the speaking privilege is granted when the PTT request is a first PTT request received subsequent to network speaking privileges being relinquished by a previously active member of the PTT communication network. However, Grube discloses this feature (see col. 5, lines 56-60 where Grube discloses that call request is queued until the resources is available for assignment). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to grant speaking privilege to the first request when the resources is available in order to provide service to the requesting user.

Regarding claim 78, Kay discloses configuring a switch to route the vocoder frames to at least two other members of the PTT communication network (see SIM-1 in figure 2).

Regarding claim 79, Kay discloses authenticating the member prior to granting the speaker privilege (see col. 6, lines 59-60).

Regarding claim 81, Kay does not specifically disclose a queue for storing a second PTT request from the second member user, the second member user being granted a speaking privilege after the speaking privilege is no longer held by the first member user. However, Grube discloses a queue for storing a second request (see col. 5, lines 56-58). Therefore, it would have

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been obvious to a person of ordinary skill in the art at the time the invention was made to queue the request as taught by Grube in the system of Kay so that the request can be process when resource is available.

Regarding claims 84 and 86, Kay does not specifically disclose storing a second PTT request and the use of priority for speaker privilege. However, Grube teaches these limitations (see col. 4, lines 44-61 and col. 5, lines 56-58). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use a queue and priority as taught by Grube in the system of Kay in order to meet specific needs.

8. Claim 54 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kay in view of Danne et al (5,761,619).

Regarding claim 54, Kay discloses all the claimed subject matter as described in previous paragraph except for a modem. However, Danne discloses the use of modems (col. 9, lines 9-12). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use modems as taught by Danne in the system of Kay in order to modulate/demodulate data.

9. Claim 55 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kay in view of Weiss (5,151,922).

Regarding claim 55, Kay discloses all the claimed subject matter as described in previous paragraph except for a tone detector. However, Weiss discloses a tone detector (see 10 in figure 1). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use a tone detector as taught by Weiss in the system of Kay in order to distinguish tone from other types of signals.

10. Claims 56-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kay in view of Glaser (6,072,463).

Regarding claims 56-57, Kay does not specifically disclose sending a list of current participating member users in an PTT communication to the first, second, and third member users. However, notifying a participating member of other participating members in a conference call is well known in the art. Glaser discloses this feature (see col. 6, lines 39-45). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to send a list of current participating member users to participating member users as taught by Glaser in the system of Kay in order to notify and assist each member of the conference call managing the call.

11. Claim 80 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kay in view of Grube as applied to claim 77 above, and further in view of Glaser (6,072,463).

Regarding claim 80, Kay does not specifically disclose sending a list of current participating member users in an PTT communication to the first, second, and third member users. However, notifying a participating member of other participating members in a conference call is well known in the art. Glaser discloses this feature (see col. 6, lines 39-45). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to send a list of current participating member users to participating member users as taught by Glaser in the system of Kay in order to notify and assist each member of the conference call managing the call.

12. Claims 82-83 and 85 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kay in view of Grube as applied to claims 77, 81, and 84 above, and further in view of Fernandes et al (5,612,955).

Regarding claims 82 and 83, Kay does not specifically disclose determining that the speaker privilege is no longer held by the member when the member releases engagement of a PTT switch and the speaker privilege is no longer held by the member upon occurrence of a pause of predetermined duration. However, Fernandes teaches this feature (see col. 4, lines 29-55). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to determine the speaker privilege as taught by Fernandes in the system of Kay in order to improve system efficiency.

Regarding claim 85, Kay does not specifically disclose when a PTT request is received from a member of higher priority than a currently active member, preempting the currently active member and granting the speaker privilege to the higher priority member. However, Fernandes teaches this feature (see col. 4, lines 48-55). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to preempting the currently active member as taught by Fernandes in the system of Kay in order to avoid delaying an important call.

***Allowable Subject Matter***

13. Claims 1-13 and 16-22 are allowed.
14. Claims 14-15 would be allowable if rewritten or amended to overcome the objections set forth in this Office action.

***Response to Arguments***

15. Applicant's arguments filed 6/10/10 have been fully considered but they are not persuasive.

Regarding claim 40, Kent discloses the use of an access number to access a network.

Regarding claim 44, col. 3, lines 44-48, col. 7, lines 3-15 and col. 9, lines 14-20 teaches that any member of the group can be a dispatch initiator.

Regarding claim 51, figure 1 shows PSTN interfaces to other network elements of figure 1. See vocoder in col. 12, lines 47-52 and dispatch setup and push-to-talk in col. 6, lines 40-48.

Regarding claim 77, the granting of the speaker privilege is disclosed in col. 7, lines 41-65 and col. 10, lines 31-34 of Kay. Kay discloses, for example, each speech will terminate with a deallocation request and each subsequent speech will be initiated with a request and assignment. Grube discloses queuing the request and checking for resource availability.

***Conclusion***

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRIAN D. NGUYEN whose telephone number is (571)272-3084. The examiner can normally be reached on 8-4:30 Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (571) 272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

8/27/10  
/Brian D Nguyen/  
Primary Examiner, Art Unit 2472